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10/760,252	01/21/2004	Kia Silverbrook	SMA09US	1044

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

MARTIN, LAURA E

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2853

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/760,252	Applicant(s) SILVERBROOK ET AL.	
	Examiner LAURA E. MARTIN	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/760220 in view of Kobayashi et al. (US 2003/0142160 A1).

10/760252	10/760220
A digital photofinishing system comprising a digital processor, a printer and means for feeding plain paper to the printer from a roll of the plain paper, the digital processor being arranged to receive digitised data that is representative of a photographic image and to process the data in a manner to generate a printer drive signal that is representative of the photographic image, the printer being coupled to the digital processor and arranged to process the drive signal and effect page-width printing of the photographic image on the print media as it is fed directly to the printer from the roll, and the printer incorporating at least one print head assembly that is arranged to provide for printing of the print media with a feed rate up to 2 metres per second.	A photofinishing system comprising a support structure, a processor and a printer mounted to the support structure, a cartridge containing a roll of print media arranged in use to be mounted removably to the support structure, print media feed means located in the cartridge, and drive means mounted to the support structure and arranged to couple with the print media feed means, when the cartridge is mounted to the support structure, and to effect feeding of the print media through the printer, the processor being arranged to generate a printer drive signal that is representative of a photographic image, and the printer being coupled to the processor and arranged to process the drive signal and effect printing of the photographic image on the print media as the print media is fed through the printer from the cartridge.

10/760220 does not teach a feed rate of 2 meters per second or a pagewidth printhead.

Kobayashi et al. discloses a feed rate of 2 meters per second [0078] and a pagewidth printhead [0151].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the photofinishing system taught in 10/760220 with the feed rate and printhead taught by Kobayashi et al. because it is well known to have different feed rates and types of printheads. This improves image quality.

This is a provisional obviousness-type double patenting rejection.

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/760237 in view of Kobayashi et al. (US 2003/0142160 A1).

10/760252	10/760237
A digital photofinishing system comprising a digital processor, a printer and means for feeding plain paper to the printer from a roll of the plain paper, the digital processor being arranged to receive digitised data that is representative of a photographic image and to process the data in a manner to generate a printer drive signal that is representative of the photographic image, the printer being coupled to the digital processor and arranged to process the drive signal and effect page-width printing of the photographic image on the print media as it is fed directly to the printer from the roll, and the printer incorporating at least one print head assembly that is arranged to provide for printing of the print media with a feed rate up to 2 metres per	A photofinishing system comprising a processor, a printer, means for feeding print media to the printer from a roll of the print media, and drier means coupled to the printer; the processor being arranged to generate a drive signal that is representative of a photographic image, the printer being coupled to the processor and being arranged to process the drive signal and effect printing of the photographic image on the print media, and the drier means being arranged to receive printed media directly from the printer, to transport the printed media from the printer and, in use, to effect drying of the printed media during transportation of the media.

second.	
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10/760237 does not teach a feed rate of 2 meters per second or a pagewidth printhead.

Kobayashi et al. discloses a feed rate of 2 meters per second [0078] and a pagewidth printhead [0151].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the photofinishing system taught in 10/760237 with the feed rate and printhead taught by Kobayashi et al. because it is well known to have different feed rates and types of printheads. This improves image quality.

This is a provisional obviousness-type double patenting rejection.

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/760180 in view of Kobayashi et al. (US 2003/0142160 A1).

10/760252	10/7602180
A digital photofinishing system comprising a digital processor, a printer and means for feeding plain paper to the printer from a roll of the plain paper, the digital processor being arranged to receive digitised data that is representative of a photographic image and to process the data in a manner to generate a printer drive signal that is representative of the photographic image, the printer being coupled to the digital processor and arranged to process the	A digital photofinishing system comprising a digital processor, a printer and means for feeding print media to the printer from a roll of the print media; the digital processor being arranged to receive digitised data that is representative of a photographic image and to process the data in a manner to generate a printer drive signal that is representative of the photographic image, and the printer being coupled to the digital processor and being arranged to process

drive signal and effect page-width printing of the photographic image on the print media as it is fed directly to the printer from the roll, and the printer incorporating at least one print head assembly that is arranged to provide for printing of the print media with a feed rate up to 2 metres per second.	the drive signal and effect page-width printing of the photographic image on the print media as it is fed to and through the printer from the roll.
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10/760180 does not teach a feed rate of 2 meters per second

Kobayashi et al. discloses a feed rate of 2 meters per second [0078].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the photofinishing system taught in 10/760180 with the feed taught by Kobayashi et al. because it is well known to have different feed rates. This improves image quality.

This is a provisional obviousness-type double patenting rejection.

Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No 7002664 B1 in view of Kobayashi et al. (US 2003/0142160 A1).

10/760252	US 7002664 B1
A digital photofinishing system comprising a digital processor, a printer and means for feeding plain paper to the printer from a roll of the plain paper, the digital processor being arranged to receive digitised data that is representative of a photographic image and to process the data in a manner to generate a printer drive signal that is	Photofinishing system comprising: a) a digital processor, a printer and means for feeding print media to the printer from a roll of the print media; the digital processor being arranged to receive digitised data that is representative of a photographic image and to process the data in a manner to generate a printer drive signal that is

representative of the photographic image, the printer being coupled to the digital processor and arranged to process the drive signal and effect page-width printing of the photographic image on the print media as it is fed directly to the printer from the roll, and the printer incorporating at least one print head assembly that is arranged to provide for printing of the print media with a feed rate up to 2 metres per second.	representative of the photographic image, the printer being coupled to the digital processor and being arranged to process the drive signal and effect printing of the photographic image on the print media as it is fed to the printer from the roll, and provided as an integrated component of the photofinishing system, and b) means for providing controlled chemical development and subsequent printing of exposed photographic film, c) a slitter means located in series with the printer, the slitter means being arranged to receive printed media following its passage through the printer, to transport the printed media in a longitudinal direction away from the printer and to slit the printed media in the longitudinal direction of transportation of the printed media, the slitter means comprising: a) guide rollers for transporting the print media through the slitter means, b) spaced-apart slitting blades mounted on rotatable shafts, and c) a rotatable, selectively positional turret supporting the rotatable shafts.
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US 7002664 B1 does not teach a feed rate of 2 meters per second or a pagewidth printhead.

Kobayashi et al. discloses a feed rate of 2 meters per second [0078] and a pagewidth printhead [0151].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the photofinishing system taught in US 7002664 B1 with the feed rate and printhead taught by Kobayashi et al. because it is well known to have different feed rates and types of printheads. This improves image quality.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike et al. (US 2002/0192003 A1) in view of Kobayashi et al. (US 2003/0142160 A1).

Koike et al. disclose the following claim limitations:

As per claim 1: a digital photofinishing system comprising a digital processor (figure 1, element 42), a printer (figure 1, element 46) and means for feeding plain paper to the printer from a roll of the plain paper (figure 2, elements 62 and 63), the digital processor being arranged to receive digitised data that is representative of a photographic image and to process the data in a manner to generate a printer drive signal that is representative of the photographic image [0109] – [0110], the printer being coupled to the digital processor (figure 1, elements 42, 44, and 46) and arranged to process the drive signal and effect page-width printing (figure 2, element 46 is a pagewidth printhead) of the photographic image on the plain paper as it is fed directly to the printer from the roll (figure 2, element 62).

As per claim 8: the digital processor is arranged to receive said digitised data from an input source selected from a scanning device (figure 1, element 12) and [0036], a computer disk, a digital camera output, a digital camera memory card, a digital file and an internet connection.

As per claim 9: the digitised data is input to the digital processor as a standardised image compression signal and processed as JPEG files [0042] – [0044].

Koike et al. do not disclose the following claim limitations:

As per claim 1: the printer incorporating at least one print head assembly that is arranged to provide for printing of the plain paper with a feed rate up to 2 metres per second.

Kobayashi et al. disclose the following claim limitations:

As per claim 1: the printer incorporating at least one print head assembly that is arranged to provide for printing of the plain paper with a feed rate up to 2 metres per second [0078].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the photofinishing system taught by Koike et al. with the feed rate taught by Kobayashi et al. in order to allow for more precise resolution. Also, it is well known in the art that paper can be fed through a printing system at different rates.

Response to Arguments

Applicant's arguments filed 5/13/08 have been fully considered but they are not persuasive. Applicant argues that the amendment "plain paper" distinguishes the print media from that taught in the claims on which the application was double patented; however, the examiner disagrees. "Plain paper" is a type of print media. The examiner reads "plain paper" as paper which has not been printed; therefore, it is obvious to one of ordinary skill in the art that "plain paper" is the same type of print media that would be used in any of the claims on which the application was double patented. The present claims still hold their double patenting rejection.

Applicant also argues that "plain paper" overcomes the current 103 rejection; however, the examiner disagrees. Koike et al. disclose white paper that has not undergone printing in [0050], which one of ordinary skill in the art would consider "plain paper".

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA E. MARTIN whose telephone number is (571)272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2853

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura E. Martin

/L. E. M./
Examiner, Art Unit 2853

/Manish S. Shah/
Primary Examiner, Art Unit 2853